

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 26-158

BY SENATOR(S) Weissman and Ball, Danielson, Gonzales J., Jodeh, Kipp, Kolker, Marchman, Wallace, Coleman;
also REPRESENTATIVE(S) Carter and Espenoza, Bacon, Boesenecker, Camacho, Jackson, Lindsay, Mabrey, Nguyen, Rydin, Smith, Zokaie.

CONCERNING EARLY PAROLE PROCEDURES FOR A YOUTHFUL OFFENDER WHO
HAS SUCCESSFULLY COMPLETED A SPECIALIZED PROGRAM.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 17-22.5-403, **amend** (4.5)(a) and (4.5)(b) as follows:

17-22.5-403. Parole eligibility.

(4.5) (a) After considering any relevant evidence presented by **any** A person or agency and considering the presumptions ~~set forth~~ DESCRIBED in section 17-34-102 (8), the governor OR THE STATE BOARD OF PAROLE, PURSUANT TO SECTION 17-22.5-403.7 (6), may grant early parole to an offender to whom subsection (1) or (2.5) of this section applies when the offender successfully completes the specialized program described in section 17-34-102 if, in the governor's OR THE STATE BOARD OF PAROLE'S

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

opinion, extraordinary mitigating circumstances exist and the offender's release from institutional custody is compatible with the safety and welfare of society.

(b) When an offender applies for early parole pursuant to ~~paragraph (a) of this subsection (4.5)~~ SUBSECTION (4.5)(a) OF THIS SECTION after having successfully completed the specialized program described in section 17-34-102, the offender ~~shall make his or her~~ MUST SUBMIT THEIR application to the governor's office with notice and a copy of the application sent to the state board of parole created in section 17-2-201. The state board of parole shall review the offender's application and all supporting documents and schedule a hearing if the board considers making a recommendation for early parole, at which hearing any victim must have the opportunity to be heard, pursuant to section 24-4.1-302.5 (1)(j). ~~C.R.S.~~ Not later than ninety days after receipt of a copy of an offender's application for early parole, the state board of parole, after considering the presumptions set forth in section 17-34-102 (8) AND ANY RELEVANT INFORMATION PRESENTED BY A PERSON OR AGENCY, shall make a recommendation to the governor concerning whether early parole should be granted to the offender.

SECTION 2. In Colorado Revised Statutes, 17-22.5-403.7, **amend** (2) and (6)(a) as follows:

17-22.5-403.7. Parole eligibility - youthful offender - juvenile offender convicted as adult - definition.

(2) After considering any relevant evidence presented by ~~any~~ A person or agency and considering the presumptions ~~set forth~~ DESCRIBED in section 17-34-102 (8), ~~the governor may grant parole to an inmate prior to the inmate's parole eligibility date if, in the governor's opinion,~~ AN INMATE WHO HAS SUCCESSFULLY COMPLETED THE SPECIALIZED PROGRAM DESCRIBED IN SECTION 17-34-102 MAY BE GRANTED EARLY PAROLE PURSUANT TO SUBSECTION (6) OF THIS SECTION IF, IN THE GOVERNOR'S OR THE STATE BOARD OF PAROLE'S OPINION, extraordinary mitigating circumstances exist and the inmate's release from institutional custody is compatible with the safety and welfare of society. However, nothing in this section grants the governor OR THE STATE BOARD OF PAROLE the authority to grant early parole pursuant to the provisions of this section to an inmate serving a sentence of life without the possibility of parole.

(6) (a) (I) When an ~~offender~~ INMATE applies for early parole pursuant to this section after having successfully completed the specialized program described in section 17-34-102, ~~the offender shall make his or her~~ INMATE MUST SUBMIT THEIR application to the governor's office with notice and a copy of the application sent to the state board of parole created in section 17-2-201. The state board of parole shall review the ~~offender's~~ INMATE'S application and all supporting documents and schedule a hearing if the board considers making a recommendation for early parole, at which hearing any victim must have the opportunity to be heard, pursuant to section 24-4.1-302.5 (1)(j). ~~C.R.S.~~ Not later than ninety days after receipt of a copy of an ~~offender's~~ INMATE'S application for early parole, the state board of parole, after considering the presumptions set forth in section 17-34-102 (8), shall make a recommendation to the governor concerning whether early parole should be granted to the ~~offender~~ INMATE.

(II) NO LATER THAN SIXTY DAYS AFTER RECEIPT OF THE STATE BOARD OF PAROLE'S RECOMMENDATION CONCERNING AN INMATE'S APPLICATION FOR EARLY PAROLE, OR SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (6)(a)(II) FOR ANY RECOMMENDATIONS OF THE STATE BOARD OF PAROLE RECEIVED BY THE GOVERNOR PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (6)(a)(II), THE GOVERNOR MAY, AFTER CONSIDERING THE PRESUMPTIONS DESCRIBED IN SECTION 17-34-102 (8), GRANT OR DENY EARLY PAROLE TO THE INMATE. IF THE GOVERNOR GRANTS OR DENIES EARLY PAROLE TO THE INMATE, THE GOVERNOR SHALL ADVISE THE STATE BOARD OF PAROLE OF THE GOVERNOR'S DECISION. THE GOVERNOR'S DECISION REGARDING THE INMATE'S APPLICATION IS FINAL, AND THE INMATE'S REQUEST FOR EARLY PAROLE SHALL BE GRANTED OR DENIED CONSISTENT WITH THE GOVERNOR'S DECISION.

(III) IF THE GOVERNOR DOES NOT ADVISE THE STATE BOARD OF PAROLE OF THE GOVERNOR'S DECISION REGARDING AN INMATE'S APPLICATION FOR EARLY PAROLE WITHIN SIXTY DAYS AFTER RECEIPT OF THE STATE BOARD OF PAROLE'S RECOMMENDATION, OR SIXTY DAYS AFTER THE EFFECTIVE DATE OF SUBSECTION (6)(a)(II) OF THIS SECTION FOR ANY RECOMMENDATION OF THE STATE BOARD OF PAROLE RECEIVED BY THE GOVERNOR PRIOR TO THE EFFECTIVE DATE OF SUBSECTION (6)(a)(II) OF THIS SECTION, THE STATE BOARD OF PAROLE'S RECOMMENDATION ON THE INMATE'S APPLICATION IS THE FINAL DECISION REGARDING THE INMATE'S APPLICATION FOR EARLY PAROLE, AND THE INMATE'S REQUEST FOR EARLY PAROLE SHALL BE GRANTED OR DENIED CONSISTENT WITH THE STATE BOARD

OF PAROLE'S RECOMMENDATION.

SECTION 3. In Colorado Revised Statutes, 17-34-102, **amend** (2), (9) introductory portion, and (9)(j) as follows:

17-34-102. Specialized program for juveniles and young adults convicted as adults and young adults convicted under twenty-one years of age - report - definition.

(2) The specialized program must include:

(a) Components that allow an offender to experience placement with more independence in daily life, with additional work-related responsibilities and other program components that will assist and support the offender's successful reintegration into the community of offenders who have never lived independently or functioned in the community as an adult;

(b) ~~The specialized program must also include~~ Best and promising practices in independent living skills development, reentry services for long-term offenders, and intensive supervision and monitoring; AND

(c) ON OR AFTER JANUARY 1, 2027, PROGRAMMING THAT REQUIRES AN OFFENDER TO ACKNOWLEDGE THE IMPACT OF CRIME ON VICTIMS AND THE ONGOING TRAUMA THAT CRIME SURVIVORS EXPERIENCE, AND, IF APPLICABLE, THE IMPACT OF THE OFFENDER'S OWN TRAUMA ON THEIR CRIMINAL OR OTHER NEGATIVE BEHAVIOR, AND IDENTIFY INTERVENTIONS TO PREVENT THOSE EXPERIENCES FROM IMPACTING SUCCESSFUL REINTEGRATION INTO THE COMMUNITY.

(9) ~~On and after January 1, 2018,~~ During its annual presentation before the joint judiciary committee of the general assembly, or any successor joint committee, pursuant to section 2-7-203, ~~C.R.S.~~, the department shall include a status report regarding the progress and outcomes of the specialized program developed and implemented by the department pursuant to this section during the preceding year. The report, at a minimum, ~~shall~~ MUST include:

(j) The number of specialized program participants who were granted early parole by the governor OR STATE BOARD OF PAROLE.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
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THE SENATE

Vanessa Reilly
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APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO